

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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SAMANTHA SILVESTRI,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 14-666V

Special Master Christian J. Moran

Filed: March 24, 2017

Attorneys' fees and costs; award in
the amount to which respondent does
not object.

Ronald C. Homer and Meredith Daniels, Conway, Homer, P.C., Boston, MA, for
Petitioner;

Heather L. Pearlman, United States Dep't of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On March 16, 2017, petitioner moved for attorneys' fees and costs in the above-captioned matter. Petitioner requested reimbursement for attorneys' fees and costs in the amount of **\$56,754.44**, an amount to which respondent does not object. The Court awards this amount.

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On July 29, 2014, Samantha Silvestri filed a petition for compensation alleging that the hepatitis A vaccine she received on January 6, 2012, caused her to

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

suffer acute disseminated encephalomyelitis (“ADEM”) and multiple sclerosis (“MS”). On September 19, 2016, the undersigned issued a decision awarding compensation to petitioner pursuant the parties’ joint stipulation. Decision, issued Sept. 19, 2016, 2016 WL 5957678.

* * *

Because petitioner received compensation, she is entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e). Petitioner seeks a total of **\$56,404.44** (\$43,970.50 in attorneys’ fees and \$12,433.94 costs) for her counsel. In compliance with General Order No. 9, petitioner states that she incurred \$350.00 in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys’ fees and costs.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$56,404.44 in the form of a check made payable to petitioner and petitioner’s attorney, Ronald C. Homer, of Conway, Homer, P.C., for attorneys’ fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$350.00, in the form of a check made payable to petitioner, Samantha Silvestri, for costs she incurred in pursuit of her petition.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties’ joint filing of notice renouncing the right to seek review.